

SECTION 2.08 C-ID COMMERCIAL-INDUSTRIAL DISTRICT

STATEMENT OF PURPOSE:

The C-ID District is designed to accommodate the commercial/industrial type of land uses which by the nature of operation or appearance are more compatible with industrial than retail commercial activities. These uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts and, in some cases, substantial open air storage of large service vehicles, raw materials or finished products. Because of the character and intensity of these uses, this District should be appropriately located in close association with high intensity commercial uses or industrial uses and should never be located adjacent to Protected Districts.

A. PERMITTED C-ID USES

Permitted uses in the C-ID District shall conform to the General Regulations and Performance Standards of Section 2.00 and the C-ID District Development Standards of Section 2.08, B.

The following uses shall be permitted in the C-ID District:

1. AUCTIONEERING SERVICE
2. AUTOMOBILE STORAGE
3. AUTOMOBILE (CAR) WASH, subject to the provisions of Section 2.08, B, 1.
4. BOAT DEALER
5. BUILDING MATERIALS
6. BUS OR TRUCK:
Maintenance Garage
Rustproofing
Washes
7. CONVENIENCE MARKET, subject to the provisions if Section 2.08, B,1.
8. CRATING AND PACKAGING SERVICE

(Section 2.08 C-ID District)

9. CONTRACTORS, including:

Air Conditioner	Painting
Awning	Pest Control
Building/Construction	Plastering/Drywall
Carpentry Work	(installation)
Concrete	Plumbing
Decorating	Pool (installation)
Electrical	Roofing
Excavation	Septic System
Extermination/Disinfection	Sheet Metal
Fence	Siding
Flooring	Sign
Heating	Storm Door
Home Remodeling	Water Softener Service
Landscaping (Wholesale or Retail)	Window
Masonry/Stonework/Tile	Demolition
Setting	

10. DISTRIBUTOR

11. EQUIPMENT RENTAL OR SALES:

Heavy/Construction
Light
Tool

12. FARM EQUIPMENT, NEW OR USED; SALES OR SERVICE

13. FIREWORKS DISPLAY SERVICE

14. FUEL DEALERS (Other than Gasoline Service Station or Convenience Market)

15. GASOLINE SERVICE STATION, subject to the provisions of Section 2.08, B, 1.

16. INDUSTRIAL LAUNDRY OR DRY CLEANING PLANT

17. LINEN SUPPLY

18. MINI-WAREHOUSE

19. PHOTOFINISHING LABORATORY

20. RECREATIONAL VEHICLE DEALER (Sales or Rental, including Mobile Home and Popup Camper)

21. REPAIR SERVICE (ANY TYPE)

22. STORAGE AND TRANSFER ESTABLISHMENT

23. TAXIDERMY

24. **TEMPORARY SEASONAL RETAIL SALES**, Subject to the provisions of Section 2.13, F.
25. **UPHOLSTERY**
26. **WAREHOUSE**
27. **WHOLESALE**
28. **OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.**
29. **ACCESSORY USES AND STRUCTURES**, subordinate, appropriate and incidental to the above permitted primary uses including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.08, B, 1, g.
30. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-ID DEVELOPMENT STANDARDS

1. **USE**
 - a. Merchandise and products for sale; storage of materials, products, machinery and equipment; and operations incidental to the primary use may be located outdoors.

Provided, however, outdoor storage and operations shall be effectively screened from public view by a solid fence or wall not less than six (6) feet in height constructed on or behind the front building setback line.

Further provided, however, all storage of materials or products within five hundred (500) feet of a Protected District boundary shall be effectively screened by a solid fence or wall. The height of said fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Said fence shall be surrounded by shrubbery, trees or hedge subject to the requirements of Section 2.13, G. The storage of materials or products within the enclosure shall not exceed the height of the fence.

In addition, in no case shall the total area of outside operations and storage exceed fifty percent (50%) of the total gross floor area of enclosed structures and buildings.

- b. Any major repair and service shall be conducted within enclosed buildings.
- c. Any lighting used to illuminate any outdoor area where any service or activity is conducted shall comply with the requirements of Section 2.10, H. Further, it shall be prohibited to:
 - (1) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; or
 - (2) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- d. Trash containers shall be permitted provided containers exceeding six (6) cubic feet shall:
 - (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- e. Recycling containers shall be permitted, subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- f. Vending machines shall be permitted provided the machine(s) shall:
 - (1) be located within a building; or,

- (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- g. Gasoline service stations, convenience markets, service centers or facility functions, service operation and sales shall be subject to the following regulations:
- (1) Gasoline service stations, convenience markets, service centers or function, service operation and sales shall not include the following:

any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation).
 - (2) The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.08, B, 1, a., and b. are maintained.
 - (3) Any display, sale or rental or motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.
 - (4) There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas or required landscaping yards. All exterior displays shall be maintained in an orderly manner.

(Section 2.08 C-ID District)

- (5) Any major servicing or motor or body repair work shall be conducted within an enclosed structure.

h. Car wash establishment shall:

- (1) Be subject to the requirements of Section 2.12, Drive-through Off-street Stacking Space Regulations; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

i. Accessory uses or structures shall:

- (1) have a total gross floor area which does not exceed fifty percent (50%) of the total gross floor area of the primary uses or structures; and
- (2) not erect or maintain exterior signs announcing the accessory uses or structures.

2. **REQUIRED MINIMUM
STREET FRONTAGE**

Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. **REQUIRED MINIMUM
FRONT YARDS,
MINIMUM FRONT
SETBACK**

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

4. **REQUIRED MINIMUM
SIDE YARDS,
MINIMUM SIDE
SETBACK**

A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.08, B, 6 or 8.

5. **REQUIRED MINIMUM
REAR YARD,
MINIMUM REAR
SETBACK**

A rear setback and landscaped rear yard of not less than (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.08, B, 6 or 8.

6. **REQUIRED
TRANSITIONAL
YARDS,
MINIMUM
SETBACKS**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.08, B, 7 or 8 in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than forty (40) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than twenty (20) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.08, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

**7. USE OF
REQUIRED YARDS
AND REQUIRED
TRANSITIONAL
YARDS**

All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) may include driveways, provided they are not located within forty (40) feet of a side lot line abutting a Protected District; and,
- (3) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required side and rear yards:

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas and interior access drives.

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.08, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. SIGNS

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

(Section 2.08 C-ID District)

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| 12. DRIVE-THROUGH
OFF-STREET
STACKING SPACE
REGULATIONS | Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12. |
| 13. ADDITIONAL
DEVELOPMENT
REQUIREMENTS | Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13. |
| 14. SPECIAL REGULA-
TIONS - ADULT
ENTERTAINMENT
BUSINESS | In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business. |

SECTION 2.09 C-S SPECIAL COMMERCIAL DISTRICT REGULATIONS

STATEMENT OF PURPOSE

The Special Commercial District (C-S) is established for the following purposes:

1. To encourage:
 - a. a more creative approach in land planning.
 - b. superior site and structural design and development.
 - c. an efficient and desirable use of open space.
2. To provide for a use of land with high functional value.
3. To assure compatibility of land uses, both within the C-S District and with adjacent areas.
4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The C-S District is designed to permit, within a single zoning District, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this District is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The District provides flexibility and procedural economy by permitting the broadest range of land use choices within a single District, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wild life.

A. PERMITTED C-S DISTRICT USES

ALL LAND USE WITHIN THE C-S DISTRICTS SHALL BE LIMITED TO THE USE OR USES SPECIFIED IN THE APPLICABLE REZONING PETITION OR ORDINANCE REDISTRICTING AND ZONING THE PARTICULAR LAND TO THE C-S DISTRICT.

A site and development plan for a proposed C-S District shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's findings that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. All development within the C-S Districts shall be subject to any further standards, restrictions or requirements specified in such rezoning petition or ordinance and commitments filed, made or presented in support of such rezoning petition.

1. By example, the following uses may be appropriate in the C-S DISTRICT.
 - a. **Planned PUBLIC AND SEMI-PUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE;**
 - b. **COMMERCIAL OFFICE-MULTIFAMILY RESIDENTIAL COMPLEX, (providing the residential component shall be subordinate to the primary commercial use or uses);**
 - c. **REGIONAL, COMMUNITY OR NEIGHBORHOOD SHOPPING CENTER-OFFICE-MULTIFAMILY RESIDENTIAL COMPLEX, HOTELS, MOTELS or other multi-use planned complex, (providing the residential component shall be subordinate to the primary commercial use or uses), or other appropriate uses and accessory facilities therefor;**
 - d. **OFFICE-COMMERCIAL-INDUSTRIAL RESEARCH AND DEVELOPMENT PARK OR COMPLEX OR OTHER COMMERCIAL-INDUSTRIAL USE COMBINATIONS, (providing the industrial use is subordinate to the primary commercial use or uses), and accessory facilities therefor.**
 - e. **ANY OTHER APPROPRIATE PLANNED LAND USE, COMPLEX OR COMBINATION OF LAND USES as designated and specified in the petition or ordinance zoning land to the C-S District.**

2. **ACCESSORY USES AND STRUCTURES**, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.09, B, 1,
3. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-S DISTRICT DEVELOPMENT STANDARDS

1. **USE**
 - a. All C-S District uses shall:
 - be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana; and,
 - create and maintain a desirable, efficient and economical use of land with high functional value and compatibility of land uses, within the C-S District and with adjacent uses; and,
 - provide sufficient and well-designed access, parking and loading areas; and,
 - provide traffic control and street plan integration with existing and planned public streets and interior access roads; and,
 - provide adequately for sanitation, drainage and public utilities; and,
 - allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
 - b. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12.

(Section 2.09 C-S District)

c. Trash containers. Trash containers exceeding six (6) cubic feet shall:

i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,

ii. be located behind the established front building line; and,

iii. not be located within a required yard or required transitional yard.

(2) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).

d. Vending machines shall be permitted provided the machine(s) shall:

(1) be located within a building; or,

(2) be located on the exterior of a building abutting its exterior wall; and,

(3) not be located within a required yard or required transitional yard.

e. Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out, shall:

(1) provide adequate outdoor convenience trash containers; and,

(2) not provide outdoor tables or seats; and,

(3) not be located within one hundred (100) feet, measured in any direction, or a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).

- f. Gasoline service stations, lubricating and oil change services, convenience markets, service centers or functions, shall:

(1) not include the following:

- i. any outdoor service operations (other than the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to said dispensing or installation);
- ii. the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
- iii. commercial parking of vehicles;
- iv. major servicing or motor or body repair such as, but not limited to body or fender work, motor overhaul, major transmission repair auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or,
- v. dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles.

(2) The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:

- i. accessory to the primary use; and,
- ii. located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and,
- iii. not more than two hundred (200) square feet in total area; and,
- iv. maintained in an orderly manner; and,
- v. not illuminated.

(3) A maximum of three (3) accessory indoor service bays may be provided for minor automotive servicing and repair. "Service Bay" is defined in Section 2.16.

g. Car wash establishments shall:

- (1) be subject to the drive-through off-street stacking space regulations of Section 2.12; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

2. **REQUIRED MINIMUM STREET FRONTAGE**

Each lot shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK**

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the provisions of Section 2.00, A, 3, b or c.

4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK**

A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.09, B, 6 or 8.

5. **REQUIRED MINIMUM
REAR YARD,
MINIMUM REAR
SETBACK**

A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.09, B, 6 or 8.

6. **REQUIRED
TRANSITIONAL
YARDS,
MINIMUM SETBACK**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.09, B, 7 or 8 in addition to the following requirements;

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist, or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.

- (3) The transitional yard requirements of Section 2.09, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

7. **USE OF
REQUIRED YARDS
AND REQUIRED
TRANSITIONAL
YARDS**

All required yards shall be landscaped with grass and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this ordinance:

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening wall and similar appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required side and rear yards:

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,
- (2) may include interior access drives and parking areas, unless subject to the transitional yard requirements of Section 2.09, B, 6 or B, 8, provided a six (6) foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveways(s), shall be maintained.

c. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and appurtenant structures; and,

- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

8. **MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES**

There shall be no height limitation for buildings and structures provided that:

- a. Minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of thirty (30) feet; and,
- b. Minimum required setback along any required front, side or rear transitional yard as specified in section 2.02, B, 6 shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side, or rear building setback requirement of fifty (50) feet (see Section 2.16, Diagram I).
- c. The height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. **SIGNS**

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana 71-AO-4, as amended.

10. **OFF-STREET PARKING**

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.10.

11. **OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.11.

12. **DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS**

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. **ADDITIONAL DEVELOPMENT REQUIREMENTS**

Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

SECTION 2.10 OFF-STREET PARKING REGULATIONS

All off-street parking areas for motor vehicles accessory to the uses in the Commercial Districts shall be provided in accordance with the following regulations.

However, commercial parking facilities, including attendant parking, shall be subject to the provisions of Article XXV, Chapter 17 of the Code of Indianapolis and Marion County, Indiana (Volume II), and shall not be subject to the development standards of this ordinance other than the minimum setback requirements of the applicable District.

A. APPLICATION OF REGULATIONS

1. BUILDINGS, STRUCTURES, USES ESTABLISHED HEREAFTER - EXCEPTION FOR PERMITS PREVIOUSLY ISSUED:

For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking facilities shall be provided in accordance with the regulations of this Section.

However, where Improvement Location and Building Permits have been issued prior to the effective date of this ordinance, and provided that construction has begun within six (6) months of such effective date and diligently prosecuted to completion (but such time period not to exceed two (2) years after the issuance of said Building Permit), parking facilities in the amounts required for issuance of said permits may be provided in lieu of any different amounts required by the off-street parking regulations of this ordinance.

2. BUILDINGS, STRUCTURES, USES EXISTING OR HEREAFTER ESTABLISHED - INCREASED INTENSITY OF USE:

When the intensity of use of any legally established building, structure or premises (existing on the effective date of this ordinance or hereafter established) is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking areas, parking spaces and any other facilities as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected, or use lawfully established, prior to the effective date of this ordinance shall be required to provide such additional parking spaces or areas, unless and until the aggregate increase in any unit of measurement specified herein for determining required parking spaces causes an increase in the required

(Section 2.10 Off-Street Parking Regulations)

number of parking spaces that equals fifteen percent (15%) or more of the number of parking spaces existing on the effective date of this ordinance, in which event parking spaces and areas as required herein shall be provided for the total increase.

3. **CHANGE OF USE:**

Whenever the type of use of a building, structure or premises is hereafter changed to a new type of use permitted by this ordinance, parking spaces and areas shall be provided as required by the provisions of this ordinance for such new type of use, subject to the exception noted in Section 2.10, A, 2.

4. **EXISTING PARKING AREAS:**

Required accessory off-street parking areas in existence on the effective date of this ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such use as would be required for said use as a new use of a building, structure or premises under the provisions of this ordinance.

5. **NEW OR EXPANDED PARKING AREAS:**

Nothing in this ordinance shall prevent the establishment of, or expansion of the amount of, parking areas to serve any existing use of land or building, provided that all other regulations herein governing the location, design, landscaping, construction and operation of such areas shall be adhered to.

B. **LOCATION**

1. Accessory off-street parking areas shall be provided on the same lot as the building or use served, or as provided in Section 2.10,C below, and shall not be located within the public right-of-way.
2. Accessory parking areas shall be located in a Commercial District which permits the primary use or the I-3, I-4, and I-5 Industrial Suburban and Urban Districts.
3. Any accessory parking area located in a different district than that of the primary use must comply with the development standards for the District in which the parking area is located.

C. COMMON OR COMBINED OFF-STREET ACCESSORY PARKING AREAS

Common or combined accessory off-street parking areas may be provided to serve two or more primary buildings or uses, provided such common or combined accessory off-street parking areas shall:

1. be so planned, designed, constructed and maintained as to create a desirable, efficient and well planned off-street parking area with functional and aesthetic value, attractiveness and compatibility with adjacent land uses, and consistent with the character of the District within which it is located.
2. be located within five hundred (500) feet of the primary uses served, measured from the nearest point of the parking area boundary to the primary use served.
3. at all times have the minimum total number of spaces that is equal the sum of the minimum required parking spaces for the use (if freestanding), or integrated center (see Table 2.10-A, # 28.). No parking space for one use shall be included in the calculation of parking space requirements for any other use.
4. file a site and development plan for any common or combined parking area(s) with the Division of Neighborhood and Development Services for approval by the Administrator prior to the issuance of an Improvement Location Permit.

Said site and development plan shall indicate:

- a. adjacent streets, alleys and lots;
- b. uses to be served, including the location, use (e.g. employee, customer, etc.) and number of parking spaces for each such use as required by Section 2.10, K., hereof;
- c. access drives, driveways, interior access driveways and acceleration/deceleration lanes;
- d. the parking area layout, including parking areas, parking spaces, total number of parking spaces and dimensions thereof;
- e. distances to the primary uses served (see Section 2.10, C., 2 for distance measurement);
- f. all landscaping and screening, walls and fences; proposed lighting, if any; and type of paving proposed;

- g. location of signs;
- h. location and type of parking space barriers or curbing, if any; and,
- i. all other requirements of the Improvement Location Permit Ordinance (68-AO-11, as amended).

Said site and development plan shall demonstrate compliance with all applicable standards of this ordinance.

Said site and development plan shall be amended and resubmitted for Administrator's approval to indicate any change or other modification of uses served as may be required by Section 2.10, A, 2 or 3, or number of parking spaces provided therefor, prior to obtaining a new Improvement Location Permit.

Common or combined off-street accessory parking area shall be developed, maintained and used only in accordance with said approved site and development plan and all other requirements of this ordinance.

D. MINIMUM PARKING LOT AND PARKING SPACE DIMENSIONS

1. The interior access drives, interior access driveways, drives, driveways, entrances, exits, aisles, bays and traffic circulation for parking lots and parking garages shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York, (a copy of which is on file in the office of the Division of Neighborhood and Development Services and is hereby incorporated by reference and made a part hereof); except that minimum parking space (or stall) dimensions shall be provided as set forth below.
2. Each off-street parking space shall have, regardless of angle of parking, a usable parking space dimension measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length; provided, however, that the total usable parking space area shall be, in no instance, less than one hundred eighty (180) square feet in total area.

Exceptions:

- a. All required parking spaces for any use allowing shopping carts to be removed from the interior of the establishment (i.e., grocery store), shall have a usable parking space dimension measuring not less than ten (10) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length; provided, however, that the total usable parking

(Section 2.10 Off-Street Parking Regulations)

space area shall be at least one hundred eighty (180) square feet. The required parking spaces for such uses shall be located within five hundred (500) feet of the front entrance of the establishment.

- b. All parking spaces reserved for the use of physically handicapped persons shall have a usable parking space dimension measuring not less than thirteen (13) feet in width (measured perpendicular from the sides of the parking space) and not less than twenty (20) feet in length (see also Section 2.10, L., Required Parking Spaces for the Disabled).

E. ACCESS TO AND FROM PARKING AREAS

1. Each off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
2. All off-street parking spaces or areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access. Off-street parking spaces and areas shall be designed and located so that vehicles shall not back from or into a public street or adjoining property.

F. USE OF PARKING AREAS

1. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or material. The parking area shall not be used for the storage of any commercial or inoperable vehicles.
2. Buildings or structures for guards, attendants or watchmen shall be permitted; however, any such structure shall not occupy a required off-street parking space(s) and shall comply with all setback requirements.
3. Loading spaces and maneuvering area, as required in Section 2.11, shall not constitute a required off-street parking space; nor shall any off-street parking area be used as a loading space or area.

G. SURFACE OF PARKING AREA

1. Off-street parking spaces may be open to the sky, covered, or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other building or structure and subject to all use and development standards requirements of the applicable Commercial District in addition to the requirements contained herein.

(Section 2.10 Off-Street Parking Regulations)

2. All off-street parking areas, and the access to and from such areas, shall be hardsurfaced to adequately provide a durable and dust-free surface. A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified above.
3. The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto sidewalks.
4. The parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into any minimum required landscaped yard or area or onto adjoining property.

H. MARKING OF PARKING SPACES

All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the pavement surface within a parking lot may be used as necessary to ensure efficient and safe traffic operation of the lot.

I. LIGHTING OF PARKING AREA

1. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
2. In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.
3. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
4. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York a copy of which is on file in the office of the Division of Neighborhood and Development Services of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof):

J. LANDSCAPING

All parking areas in excess of one hundred (100) spaces shall be landscaped in accordance with Section 2.13, G, 3, (Additional Landscaping Requirements - Interior of Parking Lots).

(Section 2.10 Off-Street Parking Regulations)

K. AMOUNT OF PARKING SPACES REQUIRED

1. Off-street parking spaces shall be provided and maintained for uses in the Commercial Districts in accordance with the minimum requirements set forth in Table 2.10-A.
2. When a computation of required parking spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces shall be rounded up to the next whole number.

TABLE 2.10-A MINIMUM NUMBER OF
OFF-STREET PARKING SPACES REQUIRED BY USE

<u>USE</u>	<u>MINIMUM PARKING REQUIREMENT</u>
1. ANY AMUSEMENT ESTABLISHMENTS (COMMERCIAL, RECREATIONAL) involving the assembling of persons (unless other- wise specified in this table):	
a. INDOOR	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
b. OUTDOOR	One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each four hundred (400) square feet of site area accessible to the public, exclusive of the parking area.
2. AUTO, TRUCK OR MOTORCYCLE SALES OR REPAIR:	One (1) parking space for each employee per largest work shift, plus two (2) spaces per service bay, (a service bay shall not be considered a parking space), plus one (1) space for each two hundred (200) square feet of interior sales and display area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
3. BANKING: BANK, SAVINGS AND LOAN, CREDIT UNION	
a. COMBINED DRIVE- THROUGH AND WALK-IN FACILITIES	One (1) parking space for each two hundred-fifty (250) square feet of gross floor area. (Also subject to the drive-through requirements of Section 2.12).

(Section 2.10 Off-Street Parking Regulations)

- b. **DRIVE-THROUGH FACILITY ONLY**

One (1) parking space for each employee per largest work shift, plus a minimum of three (3) additional parking spaces. (Also subject to the drive-through requirements of Section 2.12).
- c. **WALK-IN FACILITY ONLY**

One (1) parking space for each two hundred (200) square feet of gross floor area.
- 4. **BOWLING ALLEYS:**
 - a. Four (4) parking spaces for each alley/lane
 - b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the bowling alley, such as restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for uses located within or operated in conjunction with the bowling alley.
- 5. **CHURCHES/SYNAGOGUES, AUDITORIUMS, ASSEMBLY HALLS, RECITAL HALLS:**

One (1) parking space for each four seats at maximum calculated capacity.
- 6. **COMMUNITY CENTERS, MUSEUMS, CIVIC CLUBS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS:**

One (1) parking space for each four hundred (400) square feet of gross floor area.
- 7. **CONVENIENCE MARKET**

One (1) parking space for each two hundred eighty-five (285) square feet of gross floor area. Parking spaces at gasoline pumps may be included in the calculation of required parking.
- 8. **DAY NURSERIES, DAY CARE CENTERS, KINDERGARTENS, NURSERY SCHOOLS:**

One (1) parking space for each employee per largest work shift, plus one (1) parking space for each five hundred (500) square feet of gross floor area.
- 9. **FIRE STATION:**

One (1) parking space for each two employees on the premises during the largest work shift, plus a minimum of three (3) additional parking spaces.

(Section 2.10 Off-Street Parking Regulations)

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|--|--|
| 10. FURNITURE/FLOOR OR WALL COVERING STORE | One (1) parking space for each four hundred (400) square feet of gross floor area. |
| 11. GASOLINE SERVICE STATIONS, TIRE AND AUTO SERVICE CENTER, OTHER AUTO SERVICE FUNCTIONS: | One (1) parking space for each employee per largest work shift, plus two (2) spaces per service bay, (a service bay shall not be considered a parking space), plus three (3) customer spaces, plus one (1) space for each three hundred (300) square feet of gross floor area devoted to retail sales. |
| 12. GASOLINE SERVICE STATION/ CONVENIENCE MARKET | Same as (7) CONVENIENCE MARKET |
| 13. GROCERY STORE/SUPERMARKET | One (1) parking space for each one hundred-fifty (150) square feet of gross floor area. |
| 14. HARDWARE/PAINT/HOME IMPROVEMENT STORE | One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each one thousand (1000) square feet of the facility devoted to outside operations or storage, exclusive of the parking area. |
| 15. HEALTH SPA/SPORTS CLUB | <p>a. One (1) parking space for each two hundred (200) square feet of gross floor area</p> <p>b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the health spa or sports club, such as dining areas, restaurants, night clubs, retail stores and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the health spa or sports club).</p> |

(Section 2.10 Off-Street Parking Regulations)

16. **HOTELS, MOTELS:**
- a. One (1) parking space for each rental sleeping unit.
 - b. If, in addition to sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel or motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the hotel or motel).
17. **LIBRARY:**
- One (1) parking space for each four hundred (400) square feet of gross floor area.
18. **MEDICAL, DENTAL, OPTOMETRISTS CLINICS/ OFFICES:**
- One (1) parking space for each two hundred (200) square feet of gross floor area.
19. **MINI-WAREHOUSES**
- Three (3) parking spaces for each office, plus one (1) parking space per each employee based on the largest work shift, plus one (1) parking space per resident/manager, plus one (1) parking space for each thirty (30) storage units. Required off-street parking spaces shall not be utilized as rental or leased spaces.
20. **MINIATURE GOLF**
- Four (4) parking spaces for each golf hole, plus one (1) parking space per each employee based on the largest work shift, plus one (1) space per each one hundred (100) square feet devoted to accessory retail or amusement establishments.
21. **MORTUARY, FUNERAL SERVICE CREMATORIES**
- One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.

(Section 2.10 Off-Street Parking Regulations)

22. **NURSING AND CONVALESCENT HOMES, HOMES FOR THE AGED, SANITARIUMS, REHABILITATION CENTERS:** One (1) parking space for each three (3) patient beds, plus one (1) parking space for each two (2) employees and each two (2) staff doctors on the premises during the largest work shift.
23. **OFFICE COMMERCIAL USE, GENERAL: (To include, but not be limited to) BUSINESS, PROFESSIONAL OFFICE, POST OFFICE, OFFICE PARK, RESEARCH CENTER** Three and one-half (3.5) parking spaces for each one thousand (1000) square feet of gross floor area.
24. **RACQUETBALL/TENNIS COURTS/ CLUB FACILITIES:** One (1) parking space per employee, plus four (4) parking spaces per game court, plus one (1) parking space for each two hundred (200) square feet of the remaining floor area in the building devoted to retail activities.
25. **RESTAURANT:**
- a. **FAMILY** One (1) parking space per employee per largest work shift plus one (1) parking space for each four (4) customer seats.
- b. **FAST FOOD, WITH OR WITHOUT DRIVE-THROUGH** One (1) parking space per employee per largest work shift plus one (1) parking space for each three (3) customer seats. Provided, however, in no case shall any such use provide less than five (5) parking spaces (also subject to the drive-through requirements of Section 2.12).
- c. **FAST FOOD, DRIVE-THROUGH ONLY (NO SEATING)** One (1) parking space per employee per largest work shift plus a minimum of three (3) additional parking spaces (also subject to the drive-through requirements of Section 2.12).
26. **TAVERNS AND NIGHT CLUBS,** One (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross floor area.

(Section 2.10 Off-Street Parking Regulations)

27. **RETAIL OR SERVICE COMMERCIAL USES - INDIVIDUAL, FREESTANDING USES:** including but not limited to: BAKERIES; DRUGSTORES; BEAUTY AND BARBER SHOPS; PACKAGE LIQUOR STORES; LAUNDROMATS, PHOTO STUDIOS; JEWELRY, GIFT, APPLIANCE AND SIMILAR STORES; PERSONAL SERVICE SHOPS;

Three and one half (3.5) parking spaces for each one thousand (1000) square feet of gross leasable area shall be required for any individual, freestanding retail or service commercial use unless listed separately in this section, in which case the parking requirement noted for that specific use shall be utilized.

Provided, however, that in no case shall any individual use provide less than five (5) parking spaces.

28. **RETAIL OR SERVICE COMMERCIAL USES - INTEGRATED CENTERS**
(as defined in Section 2.16)

- a. If the total gross leasable area of an integrated center is less than 400,000 square feet, four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required,
- b. If the total gross leasable area of an integrated center is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required,
- c. If the total gross leasable area of an integrated center is greater than 600,000 square feet, five (5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.

Provided, however:

- (1) in no case shall any individual use provide less than five (5) parking spaces: and,
- (2) the following individual uses: grocery store/supermarket; theatres - motion picture or legitimate; bowling alley; or night club, shall provide parking spaces as required for the individual use by this section and such calculation shall be separate from the calculation of the gross leasable area calculation of the integrated center.

(Section 2.10 Off-Street Parking Regulations)

29. **ROLLER/ICE SKATING RINK** One (1) parking space for each two hundred (200) square feet of gross floor area in the building.
30. **SCHOOLS: BUSINESS, TECHNICAL, TRADE, AND VOCATIONAL:** One (1) parking space for each one hundred (100) square feet of gross floor area in the building, or one (1) parking space per each twenty-five (25) square feet of classrooms, whichever provides the greater number of spaces.
31. **THEATERS: MOTION PICTURE OR LEGITIMATE** One (1) parking space for each three (3) seats.
32. **ALL USES PERMITTED IN THE C-ID COMMERCIAL-INDUSTRIAL DISTRICT:** One (1) parking space for each two employees per largest work shift, plus five (5) customer spaces. Any floor area in the establishment devoted to retail sales shall require additional customer parking spaces in the amount specified elsewhere in this section for the type of retail sales involved.
33. **USES NOT SPECIFIED** For any Commercial District use not specified above, specific requirements shall be determined by the Administrator and shall be based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

L. REQUIRED PARKING SPACES FOR THE DISABLED

Every parking facility available to the public shall have parking spaces reserved for the use of physically handicapped persons, as defined in Section 2.16, according to the following schedule:

(Section 2.10 Off-Street Parking Regulations)

Total Required Number of Parking Spaces in Facility	Minimum Number Of Reserved Spaces
0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	Two percent (2%) of the total number of parking spaces. Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1000).
1001 and over	

Parking spaces reserved for the use of physically handicapped persons shall count towards the minimum number of off-street parking spaces required in Section 2.10, Table 2.10-A.

The dimensions of parking spaces reserved for the use of physically handicapped persons shall be those noted in Section 2.10, D, 2, b.

M. PARKING REDUCTION PROVISION

The Administrator may authorize reductions, beyond those available in Section 2.10, C, up to ten percent (10%) of the maximum number of parking spaces required for (a) use(s) which require four hundred (400) or more parking spaces, if access is provided to public transportation.

SECTION 2.11 OFF-STREET LOADING REGULATIONS

All off-street loading facilities accessory to uses in the Commercial Districts shall be provided and maintained in accordance with the following regulations.

A. MINIMUM LOADING AREA DIMENSIONS

1. A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
2. The interior access drives, interior access driveways, driveways, aisles, berths and vehicular circulation and maneuvering for loading areas shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York, (a copy of which is on file in the office of the Division of Neighborhood and Development Services and is hereby incorporated by reference and made a part hereof).

B. ACCESS TO AND FROM LOADING AREA

1. Each required off-street loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.
2. All off-street loading facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access.

C. LOCATION AND SETBACK

1. All required off-street loading spaces shall be located on the same lot as the use served, and shall be designed and located so that trucks shall not back from or into a public street or adjoining property.

2. No open loading area or loading space shall be located in a required minimum front, side or rear yard or a required transitional yard.

D. SCREENING

All vehicle loading spaces on any lot abutting a Protected District or separated by a public right-of-way from a Protected District shall be enclosed within a building or screened and landscaped in addition to the Commercial District's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in Section 2.13, G.

E. USE OF LOADING AREA

Space allotted to off-street loading spaces and maneuvering area shall not be used to satisfy the off-street parking space requirements.

F. SURFACE OF LOADING AREA

1. Off-street loading spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other structure and subject to all use and development standards of the applicable Commercial Districts in addition to these requirements contained herein.
2. All loading areas shall be hardsurfaced to adequately provide a durable and dust free surface. A gravel surface may be used for a temporary period not exceeding one (1) year after commencement of the use for which the loading areas is provided, where ground and weather conditions are not immediately suitable for permanent surfacing as specified above.
3. The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto sidewalks.

G. LIGHTING OF LOADING AREA

When lighting facilities are used to illuminate a loading area, the lighting equipment shall be located, shielded and directed so that the lighting distribution is confined to the area to be lighted. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

(Section 2.11 Off-Street Loading Regulations)

H. AMOUNT OF LOADING
AREA REQUIRED

Off-street loading space shall be provided and maintained in accordance with the following minimum requirements:

1. For each retail store, planned shopping center or commercial establishment, having an aggregate gross floor area of:

- | | |
|--|----------------------------------|
| a. Under 10,000 square feet: | No loading space |
| b. Over 10,000 square feet but not over 25,000 square feet: | One (1) loading space |
| c. Over 25,000 square feet but not over 60,000 square feet: | Two (2) loading spaces |
| d. Over 60,000 square feet but not over 120,000 square feet: | Three (3) loading spaces |
| e. Over 120,000 square feet but not over 200,000 square feet: | Four (4) loading spaces |
| f. Over 200,000 square feet but not over 290,000 square feet: | Five (5) loading spaces |
| g. For each additional 90,000 square feet exceeding 290,000 square feet or fraction thereof: | One (1) additional loading space |

2. For each auditorium, hotel, apartment, office building or similar use, having an aggregate gross floor area of:

- | | |
|---|----------------------------------|
| a. Under 10,000 square feet: | No loading space |
| b. Over 10,000 square feet but not over 40,000 square feet: | One (1) loading space |
| c. For each additional 60,000 square feet exceeding 40,000 square feet or fraction thereof: | One (1) additional loading space |

(Section 2.11 Off-Street Loading Regulations)

3. For any C-ID District use, having aggregate gross floor area of:
 - a. Under 40,000 square feet: One (1) loading space
 - b. Over 40,000 square feet but not over 100,000 square feet: Two (2) loading spaces
 - c. Over 100,000 square feet but not over 200,000 square feet: Three (3) loading spaces
 - d. For each additional 200,000 square feet exceeding 200,000 square feet, or fraction thereof: One (1) additional loading space
4. For any Commercial District use not specified above, the off-street loading requirements for a specified use to which said use is most similar shall apply.

SECTION 2.12 DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS

A. GENERAL PROVISIONS

The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a drive-through service unit.

Any use having a drive-through service unit shall provide the required off-street stacking area on-site to minimize off-site traffic congestion while waiting for service.

Each drive-through service unit shall provide stacking spaces as follows:

1. Each stacking space shall be not less than eight and one-half (8 1/2) feet in width and seventeen and one half (17 1/2) feet in length, with additional space for necessary turning and maneuvering.
2. The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, aisle and required yard, unless specifically noted.
3. A parking space at any component of a drive-through service unit, (window, menu board, order station, or service bay) shall be considered to be a stacking space.
4. An area reserved for stacking spaces shall not double as a circulation driveway or maneuvering area.
5. Sites with stacking spaces shall include an exclusive bypass aisle, driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.
6. A drive-through service unit may project up to one (1) foot into the stacking area.
7. A drive-through service unit shall not be permitted on the side or rear of a building, or within the side or rear yard of a building, which abuts a Protected District unless the side or rear setback of each component of a service unit is located more than one hundred (100) feet from the Protected District.

8. Drive-through service units may contain more than one component part. Service units may contain such components as menu board(s), pay windows, and food/service pickup windows. To determine the number of off-street stacking spaces located before a service unit, the final component of the service unit shall be used in determining the location of the required off-street stacking spaces. In the case of car washes, the final component of a service unit is the entrance to the car wash building itself.

B. SITE PLAN SUBMISSION

All required off-street stacking spaces and circulation pattern(s) shall be demonstrated on the site plan that is submitted at the time of filing for an Improvement Location Permit.

The submitted site plan shall also delineate:

1. all existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas; and,
2. separately tabulate the number of required off-street parking, loading, and stacking spaces in a conspicuous place on the plan for easy reference.

Prior to obtaining an Improvement Location Permit, the site plan shall be forwarded to the Department of Transportation for its review and comment.

C. REQUIRED STACKING SPACES

- | | |
|---|---|
| 1. BANK:
(including
ATM's) | Six (6) spaces before the final component of each service unit; one (1) space after each service unit. |
| 2. DRIVE-IN
THEATRE | Before the ticket service window or area, stacking space shall be equal to twenty percent (20%) of the total off-street parking capacity of the theatre. The inbound reservoir area shall not connect or conflict in any way with exit driveways. |

(Section 2.12 Off-Street Stacking Space Regulations)

3. CAR WASHES:

- | | |
|-------------------------------------|--|
| a. Self-service
or hand wash | Three (3) spaces before the final component of each service unit; two (2) spaces at the exit of each unit. |
| b. Semi- or
fully auto-
matic | Twenty (20) spaces before the final component of each service unit; six (6) spaces at the exit of each unit. Spaces reserved for vacuuming or drying of automobiles may count in the exit stacking figure. parking spaces not required for off-street parking spaces may be utilized for the stacking space calculation. |

4. RESTAURANTS:

- | | |
|---|--|
| Number of drive-
through service
units | Total number of stacking spaces required |
| One (1) | Six (6) spaces before the final component of the service unit; two (2) spaces at the exit of the unit. |
| Two (2) | Eight (8) spaces before the final component of each service unit; two (2) spaces at the exit of each unit. |
| For each addi-
tional drive-
through service
unit. | Four (4) spaces before the final component of each additional service unit and one (1) space at the exit of each unit. |

**5. ALL OTHER
FACILITIES
UTILIZING A
DRIVE-THROUGH
SERVICE UNIT**

Including, but not limited to laundry and dry cleaning stations, photo drop off/pick-up stations, automobile oil change or lubrication facilities: Three (3) spaces before the final component of the service unit; one (1) space at the exit of each service unit.

SECTION 2.13 SPECIAL REGULATIONS

A. MINIMUM FRONT SETBACK LINES AND FRONT YARDS

Front setbacks, having a minimum depth in accordance with the following setback standards, shall be provided along all public and private street right-of-way lines, and the minimum required building setback lines shall be as follows:

1. No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:

Ten (10) feet from the proposed right-of-way or seventy (70) feet from the center line, whichever is greater.

Expressway, Freeway, Primary Arterial Parkway, Secondary Arterial: (as designated on the Official Thoroughfare Plan for Marion County, Indiana), adopted March 6, 1993)

Ten (10) feet from the proposed right-of-way.

Collector Street, Local Street, Marginal Access Street (including Marginal Access Streets with a coinciding right-of-way boundary immediately paralleling either a Federal Interstate Highway route or any thoroughfare), Cul-de-Sac or any private street:

Subject to the following:

- a. Any required front transitional yard shall have a minimum depth of twenty (20) feet, rather than ten (10) feet. However, there shall be no transitional yard requirement for Expressways, Freeways or Primary Arterials, which shall only be required to provide the required front yard setback of ten (10) feet.
- b. The required front yard and setback shall be located outside of and adjacent to the proposed right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).
- c. The uses of required front yards and required front transitional yards shall be those permitted in the provisions of the Use of Required Yards and Required Transitional Yards sections of the applicable Commercial Zoning District.
- d. Canopies, eaves, cornices or other laterally-supported extensions may extend a maximum of four (4) feet into a required front yard.

(Section 2.13 Special Regulations)

- e. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, (officially adopted March 6, 1991), or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
2. No part of any structure, including parking areas, parking spaces, interior access drives, and interior access driveways, shall be built closer than twenty (20) feet to the right-of-way line of a Federal Interstate Highway route,
3. Structures, including parking areas, parking spaces, interior access drives and interior access driveways may be located within the front setback in an area designated as proposed right-of-way under the following provisions:

- a. Streets not designated as a priority in the Official Thoroughfare Plan for Marion County, adopted March 6, 1991.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way, except when interrupted by driveway(s).

- b. Streets designated as a priority in the Official Thoroughfare Plan for Marion County, adopted March 6, 1991.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

In addition, sufficient off-street parking shall be provided on the site outside of the proposed right-of-way so that the applicable off-street parking requirements for the use(s) are met.

In addition, if the Department of Transportation would acquire the proposed right-of-way for thoroughfare development or expansion, the Department of Transportation shall have no obligation to pay for any structure located within the proposed right-of-way.

In the event of dedication of right-of-way as a result of rezoning or other methods for both non-priority and priority streets, such dedication shall not alleviate the right to use the right-of-way in the manner provided above, until such time as the Department of Transportation determines that the additional right-of-way is needed for widening.

B. INTEGRATED SHOPPING CENTER OR COMPLEX - PLAN REQUIREMENTS FOR IMPROVEMENT LOCATION PERMIT ISSUANCE:

Prior to Improvement Location Permit issuance for any building or structure within an integrated shopping center or complex, three copies of the site plans and landscape plans for the entire integrated center shall be on file with the Department of Metropolitan Development.

C. STREET REQUIREMENTS:

1. Clear Sight Triangular Area.

The following provisions shall apply to all streets, whether public or private:

All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following, (See Section 2.16, Diagram E):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or,

(Section 2.13 Special Regulations)

- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

2. Requirements for Public Streets.

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of Transportation, and improved and constructed in accordance with the standards required by the Indianapolis Department of Transportation Standards for Street and Bridge Design and Construction, or as approved by the Director of the Department of Transportation.
- b. The right-of-way of any streets within an integrated center which is indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3. Requirements for Private Streets, Driveways, Interior Access Driveways and Interior Access Drives:

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Transportation (IDOT) Standards for Street and Bridge Design and Construction. In the event DOT specifications conflict with the Indiana Department of Transportation Standard Specifications, the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Transportation (IDOT) are incorporated into this ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Neighborhood and Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking - twelve (12) feet
One-way, parallel - twenty (20) feet
parking on one side
of the street only
Two-way, no parking - twenty (20) feet
Two-way, parallel - twenty-seven (27) feet
parking on one side
of the street only
Two-way, parallel - thirty-six (36) feet
parking on both
sides of the street

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
- d. Private streets, interior access drives and interior access driveways within any Commercial Zoning District may be used to provide ingress and egress to any other Commercial Zoning District and to any other zoning district having a less intense use which would include all Protected Districts.

D. REQUIREMENTS FOR RECYCLING OPERATIONS AND CONTAINERS:

1. REQUIREMENTS FOR RECYCLING CENTER OPERATIONS.

Materials permitted for collection at neighborhood recycling collection points and recycling stations as defined in Section 2.16, located within a C-3, C-3C or C-4 Commercial District shall include the following:

- aluminum cans
- plastics
- paper products
- tin and metal cans
- glass containers

In addition to the materials listed above, other household scrap and minor automobile parts made of aluminum, brass, copper, or steel may also be collected at these facilities in the C-3, C-3C and C-4 Commercial Districts. However, all materials collected for delivery to the recycling facilities in the C-3, C-3C and C-4 Commercial Districts shall be in

(Section 2.13 Special Regulations)

amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters of a ton. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a more intensive recycling facility. This restriction is intended to protect the community character of the C-3, C-3C and C-4 Commercial Districts and minimize traffic created by larger hauling vehicles.

In the C-3, C-3C and C-4 Commercial Districts, those collection points and recycling stations that utilize a trailer as its primary structure shall be limited to one trailer per site. The facility shall be manned during all hours of operation and located during off hours. In addition to these requirements, the requirements for recycling containers (as specified in 2.13, D, 2) shall also apply to trailer facilities.

In addition to those requirements outlined for recycling activities in the C-3, C-3C, and C-4 Districts, recycling activities permitted within the C-5, C-6, C-7 and C-ID Commercial Districts shall also be within a completely enclosed structure and may include the crushing or compacting of the recyclable materials in order to facilitate their handling and transport. This processing step is considered to be an incidental aspect of a recycling operation, rather than a characteristic of the use itself.

2. Requirements for Recycling Containers.

Recycling containers as defined in Section 2.16 shall be subject to the following requirements:

- a. The use or structure shall not be located within any required yard or required transitional yard or within any street right-of-way and shall meet the minimum setback requirements of the district.
- b. When the structure is an accessory use located in the parking area of the primary use, the structure shall be located completely within a striped off-street parking space(s) on the site and shall not be within a drive or maneuvering area.
- c. A minimum of three (3) off-street parking spaces shall be provided on site. These off-street parking spaces are in addition to the required parking provided for the primary use. A suitable maneuvering area for access and turning shall also be provided as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York.
- d. All recyclable material shall be stored within a recycling container and the surrounding lot area shall be maintained free of litter and debris on a daily basis.

- e. The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name and telephone number of the operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling containers.
- f. The recycling container shall not reduce the amount of any required landscaping as provided by this ordinance for the primary or accessory use.
- g. The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
- h. The recycling container shall not be located within one hundred (100) feet, measured in any direction, of a Dwelling District. The measurement shall be taken from the exterior of the container to the zoning boundary of the Dwelling District except when such container is separated from said Dwelling District by an intervening street (see Section 2.16, Diagram J).
- i. Recycling containers are prohibited as accessory structures on lots of less than ten thousand (10,000) square feet in area. Recycling containers shall be permitted as accessory uses on lots of ten thousand (10,000) square feet in area or greater provided that the combined total square footage utilized for recycling containers on the lot does not exceed one half (1/2) of one (1) percent of the total gross square footage of the lot.
- j. An Improvement Location Permit shall be obtained prior to the placement of the recycling container on the commercial lot.

E. REQUIREMENTS FOR TEMPORARY USE STRUCTURES OR BUILDINGS:

Temporary use structures shall be permitted in all Commercial Districts, under a temporary Improvement Location Permit issued by the Administrator subject to the temporary use requirements specified below:

- 1. Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.
- 2. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

(Section 2.13 Special Regulations)

3. A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred-eighty (180) days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
4. All structures, buildings, appurtenances, or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.

F. REQUIREMENTS FOR TEMPORARY SEASONAL RETAIL SALES USES:

1. The use or structure must comply with all setback requirements for a primary building on the site.
2. A minimum of three (3) off-street parking spaces shall be provided on site for the temporary seasonal retail sales use.

The location of the temporary seasonal retail sales use and its required minimum reservation of off-street parking spaces shall not utilize any required off-street parking spaces for the primary/permanent use of the site.

3. The location of the temporary seasonal retail sales use, and any structure associated with such use, shall be completely within a striped, off-street parking space(s) for the primary/permanent use on the site and shall not be located within a drive or maneuvering area for that primary/permanent use.
4. Final site plans, showing the location of the temporary seasonal retail sales use within the site, shall be subject to Administrator's review and approval prior to the issuance of an Improvement Location Permit.
5. Signs for the temporary seasonal retail sales shall comply with the regulations regarding wall signs within integrated centers contained in the Sign Regulations of Marion County, Indiana (71-AO-4, as amended).

G. LANDSCAPING, SCREENING, AND GROUNDS MAINTENANCE

Subject to the allowed uses in required yards, landscaping, screening and grounds maintenance shall be provided and maintained, for all development in all Commercial Districts in accordance with the following regulations:

1. LANDSCAPING AND SCREENING IN REQUIRED YARDS

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as, trees and shrubs as specified in Section 2.13, G, 1, b, and c, and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty percent (20%) of the area of the required yard in which it is used.

- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:

- (1) Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.16, Diagram F); or,

- ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed fifty (50) feet. (Refer to Section 2.16, Diagram F)

(Section 2.13 Special Regulations)

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

(2) Screening in the required front yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty percent (50%), may be used in conjunction with the required landscaping; or,
- ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired); or,
- iii. Plant Material Screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area, a screen of a minimum height of thirty-six (36) inches along a minimum of seventy-five percent (75%) of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

- c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:

- (1) Landscaping in the required side and rear yards shall consist of trees planted in accordance with one of the two following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.16, Diagram F); or,

- ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed fifty (50) feet. (Refer to Section 2.16, Diagram F)

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

- (2) Screening in the required side and rear yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping, or

- ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation, or

(Section 2.13 Special Regulations)

- iii. Plant Material Screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.
- d. All landscape plantings, architectural screens (fences, walls), shrubs, trees, structures or other objects shall permit completely unobstructed vision within a clear sight triangular area as noted in Section 2.13, C.
- e. No architectural screen fronting upon or abutting a Protected District shall be electrified with the intent of providing for an electrical shock if touched.
- f. Barbed wire, razor wire and similar type wires shall not be permitted within the front yard setback, or in front of any existing building in the C-1, C-2, C-3, C-3C, C-4, C-5, or C-6 Commercial Districts.
- g. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
 - (1) Deciduous shade (overstory) trees - two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
 - (2) Deciduous ornamental (understory) trees - one and one-half (1 1/2) inch caliper at six (6) inches above the ground.
 - (3) Multi-stemmed trees - eight (8) feet in height.
 - (4) Evergreen trees - five to six (5-6) feet in height.
 - (5) Deciduous or evergreen shrubs - twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.

Except, however, shrubs used to screen parking in front of the building facade of an automotive dealership (new, used, or rental) shall be eighteen (18) inches in height.
- h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standard for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986 by the American National Standards Institute, Inc. (a copy of which is on file in the office of the Division of Neighborhood and Development Services and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.

- i. In computing the number of trees to be planted in a required yard or a required transitional yard, a fraction of one-half (1/2) or greater shall be rounded up to count as an additional tree.
- j. Existing trees may fulfill the requirements for tree planting in required yards or required transitional yards so long as the standards specified for required yards (Section 2.13, G, 2, b or c) or required transitional yards (Section 2.13, G, 3, b or c) are met.
- k. The removal from any minimum required yard or any minimum required transitional yard of any existing live deciduous tree over four (4) inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to provide for necessary easements or drainage improvements. Removal of said tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.
- l. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the drip line, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the drip line of the tree.

2. LANDSCAPING AND SCREENING OF REQUIRED TRANSITIONAL YARDS

Landscaping and screening of yards fronting upon or abutting a Protected District shall be provided and maintained, for all development in all Commercial Districts in accordance with the following regulations in addition to Section 2.13, G, 1 d-k.

- a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees,

(Section 2.13 Special Regulations)

shrubs or hedges, and grasses or ground cover as specified in Section 2.13, G, 2, b and c, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty percent (20%) of the area of the required yard in which it is used.

b. Landscaping and screening of required front transitional yards shall be provided and maintained according to the following minimum standards:

- (1) Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See Section 2.13, G, 1, b, (1).
- (2) Screening in front transitional yards shall be provided in an open pattern to partially screen the commercial use.

Provided, however, for any parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area, a buffer screen of a minimum of one of the following:

- i. Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be a maximum of forty-two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or,
 - ii. Berm - an earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired).
- Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.
- iii. Plant Material Screen - a compact hedge of evergreen or densely twigged deciduous shrubs. Such shrubs shall attain a minimum height of thirty-six (36) inches at maturity; and,

The ground area between such wall, fence, berm, or hedge and the front right-of-way line shall be planted and maintained in grass or other suitable ground cover. A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or hedge.

- c. Required side and rear transitional yards shall be landscaped and have an effective screening of the commercial use.

- (1) Landscaping and screening in required side and rear transitional yards using a solid wall or solid fence shall be provided and maintained according to the following minimum standards:

- i. Landscaping standards for required side or rear transitional yards using a solid wall or fence.

Trees shall be planted along all side and rear transitional yards according to the standards specified for tree planting in front required yards. See Section 2.13, G, 2, b, (1).

- ii. Screening standards for required side and rear transitional yards using a solid wall or fence:

- (a) The finished side of the fence shall face the Protected District. Said fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.

- (b) A berm may be used in place of a solid wall or fence so long as the berm is a minimum of six (6) feet in height to a maximum of ten (10) feet, has a minimum crown width of two (2) feet, a side slope no greater than three to one (3:1), and shall be planted and covered in live vegetation.

Exception: The earthen berm may be combined with shrubs to attain the minimum height of six (6) feet.

- (2) Landscaping and screening in the required side and rear transitional yards, if a solid wall or solid fence is not used, shall be provided and maintained according to one of the following minimum standards:

- i. A combination of trees and shrubs:

- (a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see Section 2.13 G, 2, b); and,

(Section 2.13 Special Regulations)

- (b) Shrubs - shrubs shall be planted so that one-hundred percent (100%) of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard.

The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs: or,

- ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or,
- iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or,
- iv. A combination of i, ii, or iii to be maintained so that one-hundred percent (100%) of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen commercial uses. However, required transitional yards must be supplemented where sparsely vegetated to maintain a dense visual barrier to a height of six (6) feet.

- (3) Landscaping and screening in the required side and rear transitional yards may be achieved by combining elements from (1) and (2) of this subsection, so long as the minimum standards set forth for that element utilized is satisfied.

3. **ADDITIONAL LANDSCAPING REQUIREMENTS - Interior of Parking Lots:**

The purpose of interior landscaping is to help reduce glare and heat buildup; to promote interior islands for pedestrian safety and traffic separation; to visually break up large expanses of pavement; and to reduce surface runoff.

The interior of any parking lot shall be landscaped based on the following minimum standards:

<u>Total Number of Parking Spaces</u>	<u>Required Interior Landscape Area</u>
Less than 100 spaces required	None required
100 or more spaces required	Minimum 15 square feet per parking space

- a. The minimum size of a required interior landscaping area shall be one hundred and eight (108) square feet. No planting area shall be less than six (6) feet in dimension, measured from the inside of the permanent barrier to inside of permanent barrier, except those portions created by turning radii or angles of parking spaces (Refer to Section 2.16, Diagram G)
- b. Required interior landscaped areas shall be in-ground and not placed upon a pavement surface.
- c. A permanent barrier, such as curbing or wheel stops, shall enclose each interior landscaped area so as to minimize damage from vehicles, pedestrians and improve parking lot maintenance.
- d. For each twenty (20) parking spaces or fraction thereof, one (1) tree shall be provided.

Trees located at the end of a parking bay shall be deciduous shade (overstory) or deciduous ornamental (understory).

Trees located in any other portion of the interior landscaped area may be deciduous shade (overstory), deciduous ornamental (understory) or evergreen.

The minimum size for trees shall be:

two and one-half (2 1/2) inch caliper at six (6) inches above the ground at time of planting (deciduous shade [overstory]).

one and one-half (1 1/2) inch caliper at six (6) inches above the ground at the time of planting (deciduous ornamental [understory]).

five to six (5-6) feet in height at the time of planting (evergreen trees).

- e. Each tree shall be a minimum of two and one half (2 1/2) feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area.
- f. Hardy ground cover or grasses shall be planted to cover each interior landscaped area completely within three (3) years. All ground cover shall have a mature height of not more than two and one-half (2 1/2) feet.
- g. Space devoted to required interior landscaped areas shall be in addition to any required front, side or rear yard or required front, side or rear transitional yard.

(Section 2.13 Special Regulations)

- h. Fifty percent (50%) of the required interior landscaped areas shall be installed at the end of parking bays (Refer to Section 2.16, Diagram G). The balance of the required interior landscaped area may be installed anywhere on the lot outside of the required front, side or rear yard or required front, side or rear transitional yard.

Exceptions to Interior Parking Lot Landscaping

- a. The requirements of this subsection shall not apply to parking garages or parking decks.
- b. The requirements of this subsection shall not apply to the parking lots of commercial developments, legally established prior to the adoption of Ordinance 92-AO-4, unless there is additional square footage added to the development that is equal to or in excess of fifteen percent (15%) of the development, in which case the additional parking that would be required shall meet the requirements of this Section for the additional square footage, but the existing parking would not be subject to these landscaping requirements.

4. LANDSCAPE PLAN REQUIREMENTS:

A landscape plan shall:

- a. be drawn on a copy of the site plan (or a simplified scale drawing thereof) and show exact locations and outline of all rights-of-way (both existing and proposed by the official Thoroughfare Plan for Marion County), structures, buildings, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, transitional yards, adjacent property zones, and all underground and overhead lines within areas to be landscaped (with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided);
- b. show dimensioned detailed elevation or section drawings of walls and fences;
- c. show all existing elevations and proposed land contour lines having at least two (2) foot intervals;
- d. show location and nature of existing and proposed drainage systems and their flow;

- e. include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four (4) inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height;
- f. include the exact location of any existing tree two and one-half (2 1/2) inch caliper or greater at four and one-half (4 1/2) feet above the ground which will be counted as a required tree. Said trees, shrubs and evergreens shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted.
- g. show all proposed planting by labeling the species, size, and spacing (on center).

5. GROUNDS MAINTENANCE:

The project owner or management shall:

- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
- b. Replace any required planting(s), which are removed or die after the date of planting. Such replacement shall occur during the next planting season.

6. ADMINISTRATOR APPROVAL OF ALTERNATE PLANS

The Administrator, upon request by the applicant, shall have the power to modify any landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surrounding and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative landscape plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

H. APPEAL

In all sections of this ordinance where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

I. APPLICATION OF SECTION 2.13

Section 2.13 shall be applicable to all Commercial Districts.

SECTION 2.14 SPECIAL EXCEPTION PROVISIONS

STATEMENT OF PURPOSE:

Because of the exceptional land use characteristics and locational impacts of certain commercial uses which, if inappropriately located within Commercial Zoning Districts, may have a deleterious effect upon other land uses and values within the County, it is recognized that the further classification, sub-classification or subdivision and regulation of such uses is essential in order to preserve property values, as well as to promote the public health, safety, comfort, morals, convenience and general welfare within Marion County.

A. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted in the applicable commercial zoning districts only upon the grant of a Special Exception by the Board of Zoning Appeals:

1. **AMUSEMENT ARCADE;** or similar amusement, recreation or entertainment center or facility (except any such arcade, center or facility having four (4) or less amusement machines).
2. **MASSAGE PARLOR, SERVICE, OR FACILITY** (except any therapeutic, medical or surgical services or facilities or regularly licensed hospital or dispensary, or the professional services of a physician, osteopath or chiropractor duly registered with and licensed by the state).

B. SPECIAL REGULATIONS FOR USES PERMITTED BY SPECIAL EXCEPTION

In whatever Commercial Zoning District within Marion County the uses designated in Section 2.14, A. are included as permitted uses, such uses shall be subject to the following special regulations. These special regulations shall be in addition to the applicable district's standards and requirements and, in case of any conflict, the more stringent regulations shall control:

1. No use of any land, structure, or premises, as designated in Section 2.14, A., shall be permitted except upon the grant of a Special Exception by the Board of Zoning Appeals to permit such a use.

2. No use of any land, structure or premises, as designated in Section 2.14, A., shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:

- a. Dwelling Districts,
- b. Historic Preservation Districts,
- c. Market Square District,
- d. Park Districts,
- e. University Quarter Districts,
- f. SU-1 District (Church),
- g. SU-2 District (School),
- h. SU-37 District (Library),
- i. SU-38 District (Community Center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification.

If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased spaced occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation and as required for Section 2.14, C, 2. b.

C. GRANT OF SPECIAL EXCEPTION

The Board of Zoning Appeals is hereby authorized to grant Special Exceptions to permit uses designated in Section 2.14, A, subject to the following requirements:

1. A petition for Special Exception to permit any use designated in Section 2.14, A. shall be filed with the Board of Zoning Appeals in accordance with the Board's Rules of Procedure.

In addition to the site plan and area map filing requirements of the Board's Rules of Procedure or Special Exception petition forms, the petitioner shall file with the Special Exception petition:

- a. An area map, drawn to scale, indicating the existing zoning classification of all land within five hundred (500) feet of the perimeter of the subject lot and any elementary school, junior high school, or high school, as defined in IC 20-10.1-1, located within such distance.

(Section 2.14 Special Exception Provisions)

- b. Proposed detailed Findings of Fact in support of the four (4) determinations by the Board (hereinafter specified in Section 2.14, C, 2 of this ordinance), required for the grant of a Special Exception.

The petition, or evidence presented to the Board at the public hearing, may include any additional pertinent exhibits, such as photographs depicting the subject site or other land uses and properties in the subject area; neighborhood or community economic, social, land use or environmental impact statements; or other relevant evidence.

2. Findings of Fact:

A Special Exception shall be granted following public hearing of the petition and upon the Board's determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, morals, convenience or general welfare;
- b. The perimeter of any portion of the subject lot is not located within five hundred (500) feet of the following Districts:
 - (1) Dwelling Districts,
 - (2) Historic Preservation Districts,
 - (3) Market Square District,
 - (4) Park Districts,
 - (5) University Quarter Districts,
 - (6) SU-1 District (Church),
 - (7) SU-2 District (School),
 - (8) SU-37 District (Library),
 - (9) SU-38 District (Community Center).

In addition to the zoning districts noted above, this finding shall also apply to any portion of the perimeter of a lot containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of its zoning classification.

- c. The proposed use will not injure or adversely affect the adjacent area or property values therein; and,
- d. The proposed use will be consistent with the character of the District, land use authorized therein and the Comprehensive Plan for Marion County.

3. The grant of a Special Exception shall be subject to the following requirements:
 - a. The proposed use shall conform to all performance and development standards of the applicable zoning district.
 - b. The proposed use shall conform to all conditions attached to the grant of the Special Exception by the Board. All such conditions shall be imposed by the Board to ensure compliance with standards a, c, and d of Section 2.14, C, 2 above. Such conditions may include any reasonable site, development, operational and performance standards, requirements and restrictions. The grant of the Special Exception may be for a limited period of time, as specified by the Board.

SECTION 2.15 SPECIAL REGULATIONS - ADULT ENTERTAINMENT BUSINESS

STATEMENT OF PURPOSE:

In the development and adoption of this ordinance, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulation deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools and residential areas.

A. PROHIBITIONS

The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within five hundred (500) feet of two other such businesses or within five hundred (500) feet of any existing church zoning district, school zoning district, park zoning district, historic preservation zoning district or dwelling zoning district within Marion County, Indiana.

Provided further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C-4 (Community-Regional Commercial) zoning district, C-5 (General Commercial) zoning district, C-6 (Thoroughfare Service) zoning district, C-7 (High Intensity Commercial) zoning district or C-ID (Commercial-Industrial) zoning district.

Provided further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered in a C-4 (Community-Regional Commercial) zoning district unless the site or proposed site is located within an integrated center.

B. MEASUREMENT OF DISTANCES

The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, park, historic preservation, or dwelling zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, school, park or dwelling zoning district. If any adult entertainment business is part of or included within an integrated center, only the portion of said center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of said establishment.

C. EXTERIOR DISPLAY

1. No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.
2. "Number of Signs" Not more than one business wall sign shall be permitted for an adult entertainment business and said sign shall be permitted only on the front facade. In addition to the one permitted business wall sign, an adult entertainment business not located within an integrated center shall be permitted not more than one pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and which meets all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.
3. "Sign Surface Area" The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment business, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.

(Section 2.15 Special Regulations - Adult Entertainment Business)

4. "Lighting" signs and sign structure may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

D. CONTINUATION OF NONCONFORMING USE

The lawful use of land or building existing at the time of the adoption of this ordinance may continue although such use does not conform to the regulations specified herein, subject to the provisions set forth in Section A above.